

BOARD OF SELECTMEN

Minutes of the Meeting of 19 December 2007 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Michael Kopko, Whiting Willauer, Allen Reinhard and Brian Chadwick. Patricia Roggeveen arrived at 6:45 PM. Chairman Willauer called the meeting to order at 6:00 PM.

Announcements. Chairman Willauer noted the Nantucket Anglers Club will be hosting a boating safety course given by the Coast Guard for children between the ages of 12 and 16. The course is free, open to the public and will be held on January 6th and 13th from 10 am until 4 pm.

Public Comment. None.

Approval of Minutes of 12 November 2007 at 2:30 PM; 28 November 2007 at 6:00 PM; 5 December 2007 at 6:00 PM. The Board approved the minutes by unanimous consent.

Approval of Payroll Warrant for Week Ending 16 December 2007. The Board approved the payroll warrant by unanimous consent.

Approval of Treasury Warrant and Pending Contracts for 19 December 2007. The Board approved the treasury warrant and pending contracts by unanimous consent.

Old Business

Request for Reconsideration of Petition for Relocation of Pole on Candle House Lane. Stephen Maury representing the homeowner and Walter Flaherty representing Verizon spoke in favor of the request. Mr. Chadwick moved to approve, Mr. Reinhard seconded, so voted unanimously.

Consideration as to Renewal of Annual All Alcoholic Beverages Innholder License of Jared Coffin House (tabled from 12 December 2007). Jim Storey of the Jared Coffin House spoke in favor of the request and reviewed a plan under which the Jared Coffin House is expected to open to the public for dining seven nights a week beginning in April, 2008. Mr. Kopko asked the Board to remove the Tap Room from the liquor license. Mr. Chadwick moved to approve the liquor license including the removal of the Tap Room from the license, Mr. Kopko seconded, so voted unanimously.

CITIZEN/DEPARTMENTAL REQUESTS

Town Clerk: Request for Appointment of Election Officers. Mr. Chadwick moved to approve the attached list as submitted by the Town Clerk. Mr. Kopko seconded, so voted unanimously.

Our Island Home: Request for Acceptance of Gift. Town Administrator C. Elizabeth Gibson noted the donation of a dishwasher valued at \$400 from Kirk MacIntosh for the Adult Community Day Care program. Mr. Kopko moved to approve, Mr. Chadwick seconded, so voted unanimously.

Nantucket Memorial Airport: Request for Execution of Documents in Connection with Transfer of Property at 58 Madequecham Valley Road Pursuant to Article 71 of 2007 Annual Town Meeting. Ms. Gibson reviewed the vote of the 2007 Annual Town Meeting authorizing a particular disposition for the subject property, a settlement of which has been reached between the Airport and the property owner. Mr. Chadwick moved to approve the documents in connection with the transaction, Mr. Reinhard seconded, so voted unanimously.

Nantucket Land Council: Request for Approval of Conservation Restriction for 35 Pochick Avenue. Lynn Zimmerman representing the Nantucket Land Council spoke in favor of the conservation restriction, noting it would create approximately 40,000 square feet of open space for conservation purposes. Mr. Reinhard moved to approve, Mr. Kopko seconded. Mr. Chadwick stated this is a buildable lot and approving this restriction will subsequently reduce the property taxes, that the only benefit to this restriction is to the homeowner not to the Town, and since there is no public access the public benefit is very limited. Mr. Reinhard noted that growth management is a benefit and keeping the parcel as open space is also a public benefit. Mr. Reinhard, Mr. Kopko and Chairman Willauer voted in favor, Mr. Chadwick was opposed, so voted.

Nantucket Islands Land Bank Commission: Request for Approval of Conservation Restrictions (2) for Properties on Phillips Run Road. Attorney David Arons representing the property owner, spoke in favor of the approval. Mr. Arons stated that no tax relief would be granted with these restrictions and that they were a requirement of the Planning Board to create open space in the subdivision, of which this property is a part. Mr. Reinhard noted Nantucket Conservation Foundation and Massachusetts Audubon Society land directly abut this property. Mr. Reinhard moved to approve, Mr. Kopko seconded, so voted unanimously.

Liquor Licensees: Requests for Late Closures on January 1, 2008. Ms. Gibson noted these requests are fairly routine and come in annually. She noted requests from Alice's Restaurant, Lola 41, 56 Union Street, Bamboo Supper Club, Rose and Crown, Starlight Theatre and Café, the Muse to stop alcohol service at 1:30 AM and close premises by 2:00 AM. Mr. Chadwick moved to deny the requests noting the extra burden it creates on both the Police and Fire Departments keeping the bars open for an extra hour on New Years Eve and the only purpose is to serve alcohol longer. Mr. Reinhard noted a long standing tradition, and moved approval. Mr. Reinhard, Chairman Willauer and Mr. Kopko voted in favor, Mr. Chadwick was opposed, so voted.

Request for Waiver from Road Opening Regulations. Dawn Holdgate co-owner of Holdgate's Laundry spoke in favor of the request noting the problems they have been experiencing and the severity of the problem if the existing pipe should fail. DPW Director Jeff Willett explained his denial of the street opening permit, noting he believes this work could be done in the spring and if an emergency should arise he could issue an emergency permit. Mr. Chadwick noted the Holdgates are here to address this issue and would not be here if it weren't a problem and that they are trying to run a business and will have to close to get the work done if it becomes an emergency. Mr. Chadwick then asked the Board to consider granting the request. Michael Holdgate co-owner of Holdgate's Laundry spoke in favor of the request stating it will jeopardize his business if it is not granted. Ms. Gibson explained why the matter is before the Board: the street opening regulations allow for an appeal to the Board of Selectmen of the DPW Director's decision not to issue a street opening permit; the situation has not been described as a current emergency, therefore, the DPW Director did not issue the permit as only emergency work is allowed between November 15 and April 15. Ms. Gibson noted that since the road in question, Vesper Lane, is scheduled to be repaved in the spring the necessary work should be done before repaving occurs. Ms. Roggeveen spoke in favor of the request and moved approval. Mr. Chadwick seconded, so voted unanimously.

PUBLIC HEARINGS

Liquor Licensee (The Cellar): Application for Change of License from Seasonal Wine & Malt Package Store to Seasonal All Alcoholic Beverages Package Store for Premises at 1 Windy Way, Nantucket. Leslie Sheppard, owner and manager of The Cellar, spoke in favor of the request noting that she would like the expanded license only to be able to provide a full service to the catering companies on the Island and to only carry high end liquor in the store. Curtis Barnes spoke in opposition to the request stating he owns abutting property at 2 Boynton Lane. James Manchester, Director of Park & Recreation spoke in opposition noting at its regular meeting on December 13, 2007 the Park & Recreation Commission voted in opposition because of the proximity of the store to the schools, the skating rink and the skate park. Some discussion by the Board followed. Mr. Kopko moved to approve the application with the condition the license is valid from 11 am until 8 pm daily. Ms. Roggeveen seconded, so voted unanimously.

TOWN ADMINISTRATOR'S REPORT

Request for Approval of Temporary Seasonal Population Increase Estimate for 2008 as per MGL c138 § 17. Ms. Gibson explained the annual requirement by the State that the Town set its seasonal population to determine the Town's quota for certain types of liquor licenses. The 2008 estimated seasonal population is 53,560. Mr. Kopko moved to approve, Ms. Roggeveen seconded, so voted unanimously.

SELECTMEN'S REPORTS/COMMENT

Review of Fuel Charge Subsidy in Connection with Taxi Fares (as per vote of Board June 20, 2007). Ms. Gibson noted that in June, 2007 the Board had agreed to review this item in six months. Wendy Watts of Chief's Cab spoke against an additional subsidy. The Board agreed to take no action on this matter..

Discussion Regarding FY 09 General Fund Operating Budget. Discussion occurred regarding proposed FY 2009 expense increase requests. After some discussion the Board requested more detailed documentation and/or discussion at its December 26, 2007 meeting regarding the requests pertaining to: GASB 45, health and human services, various Fire Department requests, Atheneum, Our Island Home, road work, and requests relating to new positions of fleet maintenance manager and surveyor. Mr. Kopko suggested a handout at Town Meeting explaining to the average voter the current tax rate and the average tax bill compared to the potential tax rate and bill increases with respect to the FY 09 funding requests.

Michael Glowacki stated he appreciates the Board of Selectmen's discussion on the budget. He added that he believes transparencies created by these discussions will improve public confidence. He also asked the Board to encourage the Finance Committee to have its minutes posted on the Town's website.

The meeting adjourned at 8:24 PM.

Approved the 2nd day of January 2008